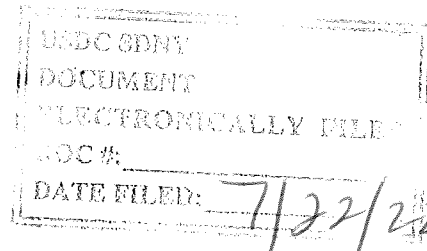


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
JOHN T. BUDROW, on behalf of himself and  
others similarly situated,

Plaintiff,

v.

MCCAREY LANDSCAPING, INC., DONNA  
MCCAREY, TIMOTHY MCCAREY, and  
JOHN DOES, as the top 10 Shareholders of  
McCarey Landscaping, Inc.,  
Defendants.  
-----X

**ORDER**

22 CV 1773 (VB)

On July 21, 2022, plaintiff John T. Budrow in this Fair Labor Standards Act case filed a settlement agreement (Doc. #20-1) and a statement explaining the basis for the agreement as required by Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015).

In reviewing the proposed settlement agreement, the Court has considered the following factors:

- (i) the \$63,030 settlement amount to be paid to plaintiff (exclusive of attorneys' fees) exceeds the amount plaintiff sought for his unpaid travel and lunch times with associated fringe benefits, which counsel represents is the main crux of his lawsuit;
- (ii) the risks and costs of continuing to litigate;
- (iii) plaintiff is represented by counsel;
- (iv) the settlement was reached with the assistance of a neutral mediator;
- (v) plaintiff no longer works for defendants;
- (vi) the absence of a nondisparagement clause in the settlement agreement; and
- (vii) the release is limited to claims arising out of plaintiff's employment with defendants and/or separation therefrom accrued prior to executing the settlement agreement.

Based on the foregoing, the Court finds the settlement agreement is fair and reasonable, and the product of arm's-length negotiation, not fraud or collusion.

Additionally, the Court finds the attorneys' fees, which are approximately thirty-one percent of plaintiff's net recovery, to be fair and reasonable under the circumstances.

**CONCLUSION**

Accordingly, the parties' settlement agreement (Doc. #20-1) is APPROVED.

The Clerk is instructed to close this case and to terminate the pending motion (Doc. #11).

Dated: July 21, 2022  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge